

**TOWN OF DAVIE  
REGULAR MEETING  
MARCH 29, 2006**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:30 P.M. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice Mayor Hubert and Council members Crowley, Paul, and Starkey. Also present were Acting Town Administrator Cohen and Town Clerk Muniz recording the meeting.

**3. INVOCATION - Pastor Andy Fernandez**

The invocation was given by Pastor Andy Fernandez of the Crossfire Church.

**4. CERTIFICATION OF RESULTS - March 14, 2006 Election**

Town Clerk Muniz reported the results of the District 1 race in which there were 634 votes cast - 474 votes for Bryan Caletka and 154 votes for Councilmember Hubert. Mayor Truex was unopposed in the race.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to certify the results. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. OUTGOING COUNCILMEMBER'S MESSAGE**

Councilmember Hubert wished Mr. Caletka well and thanked her daughter for her support over the past three years. Mayor Truex thanked Councilmember Hubert for her efforts on Council and presented her with a plaque honoring her for her service.

**RECESS**

A recess was called at 7:40 p.m. and the meeting reconvened at 7:46 p.m.

**6. OATH OF OFFICE - Judge Fred Berman (Tom Truex)**

Judge Geoffrey Cohen (Bryan Caletka)

Judge Berman congratulated Mayor Truex and Mr. Caletka. Judge Berman administered the Oath of Office. Judge Cohen congratulated Mr. Caletka and administered the Oath of Office.

**7. SELECTION OF VICE-MAYOR**

Councilmember Paul nominated Vice-Mayor Crowley for the position of Vice-Mayor. Mayor Truex seconded the nomination. In a voice vote, all voted in favor. (Motion carried 5-0)

**7A. INCOMING COUNCILMEMBER'S COMMENTS**

Councilmember Caletka addressed his constituents and discussed his priorities: 1) provide a unique and grand quality of life; 2) proper policy implementation that the Town foster an environment that facilitates a great place to work, live and retire; 3) provide protection, service and privacy. He urged all residents to contact him at any time with their issues.

Mayor Truex welcomed Councilmember Caletka to Council. Mayor Truex discussed his priorities: 1) quality of life with reference to taxes, traffic, etc.; 2) public safety; and 3) restoration of faith in Council by the public. He stated that he wanted to clean up some of the issues in Town Hall that had been featured in the newspaper. Mayor Truex took the position that Council was responsible for the activities in the Town and his desire was to correct the issues. He expressed optimism about the Town's future.

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Mayor Truex welcomed residents from Pine Island Ridge and commented that he was looking forward to the annexation.

**8. PRESENTATIONS**

8.1. Legislative Issues - David Sigerson and Vincent Grande  
Mr. Cohen advised that item 8.1 was being withdrawn.

Mayor Truex advised that item 14.3 needed to be added. He indicated that item 14.3 concerned a request to merge the Open Space Advisory Board with the Agriculture Advisory Board.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 14.4 needed to be added. He indicated that item 14.4 concerned a merger of the School Advisory Board with the Child Safety Board.

Councilmember Starkey made a motion, seconded by Mayor Truex, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey requested that item 14.1 be tabled until the next meeting as she wanted Councilmember Caletka to become familiar with the issue.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table to April 5, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 15.2 needed to be tabled to April 5, 2006

Councilmember Caletka made a motion, seconded by Mayor Truex, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

**9. FORENSIC AUDITOR SERVICES (15 minutes per firm)**

Budget and Finance Director William Underwood discussed the process for a forensic auditor. He stated that 20 firms were notified of the Town's search for a consultant and advertisements were placed on the internet and in the newspaper which drew responses from four companies.

9.1. Berman Hopkins Wright & LaHam, CPA, LLP

Ross Whitley stated that his firm had been in existence for over 50 years and one-third of the practice involved government auditing. He discussed the ability and talents of staff members in general. Mr. Whitley discussed fraud cases in which they had participated over the past few years and spoke in generalities regarding the firm's involvement with governments and fraud. He assured Council that experienced staff would be assigned to the project.

Councilmember Starkey discussed the absence of a non-collusion affidavit in their proposal. She was reassured that one was completed by the firm.

Councilmember Caletka questioned Mr. Whitley about conflicts of interest. Mr. Whitley assured him that there were no conflicts of interest.

Councilmember Paul addressed the cost of the project and wanted some idea of the costs involved based on procurement and auditing. Mr. Whitley advised that the billing rates fluctuated from \$70 - \$230 per hour. He stated that the firm was willing to offer Council a 20% discount on the fees.

Councilmember Caletka pursued the cost of the project and requested a timeline. Mr. Whitley discussed a baseline approach, stating that the assessment level would run approximately \$7,500 with determination of direction later.

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Councilmember Starkey discussed the issue of fraud prevention and questioned whether the insurance firms would resolve the issues under the umbrella of risk management and absorb some of the costs. She also questioned if the firm would be working with the Town's legal counsel and expressed the need to have the information as soon as possible. Mayor Truex indicated in the affirmative.

#### **9.2. Mayer Hoffman McCann, P.C.**

Sherry Bellingham, Marketing Manager, provided a PowerPoint presentation. She outlined how her firm would approach the issue and execute the plan. Skill sets were discussed as well as prevalent "state of the art" fraudulent endeavors.

Vice-Mayor Crowley asked about any conflicts of interest and was advised that there were none.

Councilmember Caletka asked about ballpark figures. Ms. Bellingham stated that the fees discussed were about \$12,000 - \$16,000 and the timeframe was approximately two months for the initial assessment.

Councilmember Paul asked if all the departments would be involved. Ms. Bellingham answered that first assessment phase would be comprehensive, but at the first level. After that, they would follow the lead of Council.

#### **9.3. Moore Stephens Lovelace, P.A.**

An unidentified woman discussed the team that would provide the service, all of which were accountants and fraud examiners. She discussed the firm's methodologies and procedures and indicated that a formal written report of findings along with suggested practices would be a part of a formal presentation at the end of the assessment phase. She denied any conflicts of interest and advised that the written proposal included a price quote.

Mayor Truex questioned how the firm would ensure they got everything that was relevant. The presenter responded that they asked for information and then checked it. Mayor Truex asked if there was any downside to doing both sides - procurement and fraud investigation, and was advised that there was not.

Vice-Mayor Crowley asked about conflicts of interest. He questioned whether their present involvement with the Town working with procurement could be considered as a conflict of interest. The woman said there was no conflict.

Councilmember Paul asked about the length of time required to conduct the investigation and was advised that it would take four to six weeks from the start date to the date of a report.

#### **9.4. Crowe Chizek and Company LLC**

An unidentified woman stated that firm was founded in 1942 and presently had 2000 professionals in 20 different offices with 3 offices in Florida. She provided a PowerPoint presentation and introduced the members of the firm and discussed their practice. The speaker presented the backgrounds of the professionals. Other members of the team spoke and discussed their backgrounds, areas of expertise and how they would participate in the project.

Councilmember Caletka requested information regarding the cost of the investigation. The speaker answered that the cost depended upon the scope and the transaction. The first week would run \$12,000 - \$15,000. Councilmember Caletka requested, hypothetically, what the Town would get for \$100,000 and was told that would be four to six weeks of time.

Vice-Mayor Crowley asked if there were any South Florida clients for whom the firm had done work. The speaker responded that there were three and denied any conflicts of interest.

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Councilmember Starkey asked if the efforts could be coordinated between the investigators and Council's legal counsel. Mr. Underwood advised that the first phase would indicate if there was any vulnerability and that recommendations would be made after the initial investigation. Councilmember Starkey expressed her desire to keep the issues confidential without violating any Sunshine Law. Mr. Underwood answered that any crime would be referred to the authorities upon detection, but would not compromise the investigation continuing. Councilmember Starkey spoke about her concerns with maintaining confidentiality while the investigation was in progress and not allowing anything to interfere.

Mr. Underwood suggested that Council employ the ranking forms to determine the selection of the forensic auditing service.

Councilmember Caletka stated that the two firms he favored were Mayer, Hoffman, McCann and Moore, Stevens, Lovelace, because of the price differences as he felt they all offered similar services. He preferred Mayer, Hoffman and McCann because of their location in Boca Raton.

Vice-Mayor Crowley wanted to know if the public had any comments and Mayor Truex agreed to open it up to the public.

Councilmember Starkey did not believe the choice should be based on cost because the money would be well spent compared to what had already been lost. She agreed with Councilmember Caletka in favoring the close location of the Firm, Mayer, Hoffman and McCann. Councilmember Starkey went on to discuss concerns of having Moore Stephens Lovelace not only participating in procurement but then having them participate in the investigation. She wanted to know whether the Town should employ two firms or whether it would be more cost beneficial to use just one. Councilmember Starkey questioned if the Budget Advisory Committee had had an opportunity to review the documents provided by the four firms.

Dan Barr, a member of the Budget Advisory Committee, reported that the Committee had met and discussed the responses, but had not had the time to review each proposal. He mentioned that he had reviewed the peer review comments. Mr. Barr stated that it would be important to know what the travel time and costs involved would be. He felt that each of the firms were capable and qualified and pointed out that cost should be of concern to Council.

Mayor Truex opened the floor to the public.

Phillip Busey supported the firm of Moore Stephens Lovelace.

Mayor Truex ended the public discussion.

Mr. Underwood discussed the process regarding the negotiation of the contract, but stated that Council would be making the ultimate decision. He stated that staff would negotiate fees and seek approval of Council. Mr. Underwood stated the process would continue among the four Firms until Council was completely satisfied. Discussion took place among Councilmembers regarding the advantages and disadvantages of seeking out a firm based on cost alone.

Mayor Truex asked if Council wanted to use with the bid sheets to rank the firms with Council responding in the affirmative. For clarification, Mayor Truex asked about the ranking system, questioning if number one was the first choice. Mr. Underwood indicated that the lowest score would be the firm of choice.

After Council completed the ranking sheets, Mr. Underwood advised the results: 1) Mayer Hoffman McCann with 7 points; 2) Moore Stephens Lovelace with 11 points, 3) Berman Hopkins Wright & LaHam with 13 points; and 4) Crowe Chizek and Company with 19 points.

Mayor Truex requested that Mr. Underwood explain the next step in the process. Mr. Underwood advised that the agenda indicated a motion needed to be made for Council to direct staff to negotiate with the first ranked firm and then report back to Council as soon as practicable.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, based upon Mr. Underwood's suggestion. In a roll call vote, all voted in favor. (Motion carried 5-0)

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**10. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 10.1. February 1, 2006 (Regular Meeting)
- 10.2. February 6, 2006 (Workshop Meeting)
- 10.3. February 9, 2006 (Workshop Meeting)

*Proclamation*

- 10.4. Town of Davie Surveyors' Week (March 12-18, 2006)

*Resolutions*

- R-2006-74 10.5. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DAVIE POLICE DEPARTMENT TO PARTICIPATE IN THE JAG PROGRAM WITH THE BROWARD SHERIFF'S OFFICE AS THE LEAD AGENCY TO RECEIVE A \$19,128.00 GRANT FROM THE U.S. DEPARTMENT OF JUSTICE FOR LAW ENFORCEMENT PROGRAMS, AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED. (no match required)
- R-2006-75 10.6. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING CERTAIN DRAINAGE EASEMENTS FROM PROPERTY OWNERS PATRICIA A. AND KEITH J. GRIMSON; AND PROVIDING AN EFFECTIVE DATE.
- R-2006-76 10.7. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN DRAINAGE EASEMENT FROM JASMINE LAKES PROPERTIES, CORP., PROPERTY OWNERS; AND PROVIDING AN EFFECTIVE DATE.
- R-2006-77 10.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN VILLAS OF ROLLING HILLS HOMEOWNERS ASSOCIATION, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- R-2006-78 10.9. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN OF DAVIE AND THE SOUTH BROWARD UMPIRES ASSOCIATION FOR A PERIOD OF ONE YEAR FOR ADULT AND FAST PITCH SOFTBALL OFFICIALS. (\$18,000/year)
- R-2006-79 10.10. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN OF DAVIE AND ADAMS TOP NOTCH OFFICIALS INC. FOR A PERIOD OF ONE YEAR FOR YOUTH SPORTS PROGRAM OFFICIALS. (\$50,000/year)
- R-2006-80 10.11. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND LARUE PLANNING AND MANAGEMENT SERVICES, INC., FOR MISCELLANEOUS PLANNING SERVICES. (\$25,000/year)

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- 10.12. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2006-81 FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE  
TOWN AND ILER PLANNING GROUP FOR MISCELLANEOUS PLANNING  
SERVICES. (\$25,000/year)
- 10.13. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2006-82 FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE  
TOWN AND FIRST AMERICAN TELECOMMUNICATIONS FOR PAY  
TELEPHONES. (\$332.50/month less revenues)
- 10.14. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2006-83 FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE  
TOWN AND AMERICAN COACH LINES OF MIAMI, INC. FOR COACH BUS  
SERVICES. (\$46,000/year)
- 10.15. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2006-84 FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE  
TOWN AND ZAMBELLI FIREWORKS INTERNATIONALE FOR AN  
INDEPENDENCE DAY FIREWORKS DISPLAY. (\$20,000/year)
- 10.16. **SOFTWARE AND TRAINING** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2006-85 FLORIDA, SELECTING THE FIRM OF R & S INTEGRATED PRODUCTS &  
SERVICES TO PROVIDE AGENDA AUTOMATION WORKFLOW SOFTWARE  
AND TRAINING AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS  
DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SOFTWARE AND  
TRAINING. (\$25,910 plus \$2,795/year for maintenance)
- 10.17. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-86 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT  
WITH TAILWAGGERS DOG CLUB INC OF DAVIE FLORIDA. (\$1,500 arena  
rental)
- 10.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-87 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT  
BETWEEN RAGGEA SOCA MUSIC AWARDS/HI CLASS PROMOTION INC AND  
THE TOWN OF DAVIE. (\$1,000 arena rental)
- 10.19. **PRE-ANNEXATION AGREEMENT** - A RESOLUTION OF THE TOWN OF  
R-2006-88 DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN  
ANNEXATION AGREEMENT BETWEEN THE PINE ISLAND RIDGE COUNTRY  
CLUB, INC. AND THE TOWN OF DAVIE, FLORIDA
- 10.20. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2006-89 BID FOR GENERAL CONTRACTOR AND ELECTRICAL WORK FOR THE  
TOWN'S EMERGENCY OPERATIONS CENTER (EOC) IMPROVEMENTS.  
(unbudgeted - \$16,100)

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- 10.21. **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-90 AUTHORIZING THE PURCHASE OF AUTOMATIC EXTERNAL  
DEFIBRILLATOR'S (AED's) FROM MEDTRONICS PHYSIO-CONTROL, CORP.  
THROUGH A GRANT RECEIVED FROM THE FLORIDA DEPARTMENT OF  
HEALTH, EMS MATCHING GRANT PROGRAM. (\$23,106 match)
- 10.22. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-91 APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN  
CASE NO. 00-0413 FROM \$38,500 IN AMOUNT TO \$12,945.98; AND PROVIDING  
AN EFFECTIVE DATE.
- 10.23. **LEGISLATURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-92 URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT HB 949  
AND SB 1608 DURING THE 2006 LEGISLATIVE SESSION, AND PROVIDING  
FOR AN EFFECTIVE DATE.
- 10.24. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE  
RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "HULMES PLAT," AND  
PROVIDING AN EFFECTIVE DATE. (DG 3-1-06, Pirtle Office Building, 5700  
Griffin Road)

*Temporary Use Permit*

- 10.25. TU 2-2-06, Burkhard's Tractor & Equipment, 4180 South University Drive (sales event)
- 10.26. TU 3-3-06, Maroone HispanicFest at Broward Community College, 3501 SW Davie  
Road

Councilmember Paul pulled item 10.23 from the Consent Agenda. Councilmember Starkey requested that item 10.26 to be heard with item 10.22. Vice-Mayor Crowley pulled items 10.19 and 10.22. Councilmember Caletka pulled item of 10.24. Mayor Truex pulled items 10.9, 10.15, 10.17 and 10.18.

Councilmember Starkey made a motion to approve, seconded by Councilmember Paul, minus items 10.9, 10.15, 10.17, 10.8, 10.19, 10.22, 10.23, 10.24, 10.26, 10.15, 10.17, and 10.18. In a roll call vote, all voted in favor. (Motion carried 5-0)

**11. DISCUSSION OF CONSENT AGENDA ITEMS**

10.9, 10.15, 10.17 and 10.18

Mayor Truex asked Mr. Cohen if someone was reviewing the items on the agenda to ensure that the entities were legal and real. Mr. Underwood responded in the affirmative. Mayor Truex stressed the importance of having every item on the agenda validated as a legal entity.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

10.19 Vice-Mayor Crowley voiced concerns regarding exhibit B and how it related to showing the right-of-way on private and public roadways. He indicated that the exhibits should be separate with one for private roadways and one for the public roadways. Vice-Mayor Crowley advised that the Town did not maintain private roadways. Mr. Cohen stated that the ones highlighted would all become public

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roadways. Vice-Mayor Crowley wanted to ensure that the annexation details were clear to the public as well as to Council. Mr. Cohen stated that the Town would be assuming maintenance of two roadways, Pine Island Ridge Drive and Orange Road South. Councilmember Caletka questioned if a legal description would be attached. Mr. Cohen stated that staff did not have a legal description. Mayor Truex questioned if it matched up with Broward County and wanted to know what the County was maintaining. Mr. Cohen confirmed that it did match up with Broward County. Vice-Mayor Crowley pointed out that the improvements were supposed to amount to no less and no more than \$15,000. He wanted to know how they could assure an even \$15,000 expense. Mr. Cohen stated that the Town was allocating exactly \$15,000.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve subject to clarifying the exhibits so that they met the intent of the pre-annexation agreement. In a roll call vote, all voted in favor. (Motion carried 5-0)

10.22 Vice-Mayor Crowley commented that with open fines reports, the violation should be included. He requested that a report be included the next time.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, all voted in favor. (Motion carried 5-0)

10.23 Councilmember Paul discussed the bill recommended by the League of Cities; however, Broward County Mayor Graber was asking that the bill be approved only if it exempted Broward County. She stated that the Town had discussed the additional layer of protection on a variety of issues before and wanted to make sure that everyone understood that there was an exemption.

Councilmember Starkey stated that as of today, only Pembroke Pines was the only municipality who was opposed. She stated that the other cities had not yet taken a position. Councilmember Starkey did not feel the bill should state "to exempt" Broward County. She encouraged understanding the pros and cons and suggested they table the issue for another week.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to table to April 5, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

10.24 Councilmember Caletka stated that the petitioner had never notified the residents of the first meeting and during the second meeting, this was questioned. He advised that the petitioner had indicated that the resident probably threw the notice away. Councilmember Caletka stated that he would be voting against this project as a protest.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve subject to the staff's recommendations. In a voice vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 3-2)

10.26 and 14.2 Councilmember Starkey spoke about the Hispanic Festival and the expense that the Town was being asked to cover. She expressed curiosity about the fees indicated for fire inspectors and requested an explanation. Mr. Cohen advised that the charges reflected were standard for any type of event. He explained that part of the temporary permit was for inspections and because it was a large event, more inspections were required. There was also additional staff time - police for patrolling, etc. Councilmember Starkey argued that there was an inconsistency. Mr. Cohen indicated that the Festival was asking to waive the fees as part of the Town's contribution and indicated that the charges were the same that would be charged to anyone. Councilmember Starkey questioned if the Town charged or waived fees of this fashion for other charitable events. Mr. Cohen noted that there would be an estimated



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20,000 people drawn to Davie for the event. Fire Chief Don DiPetrillo stated there would be no contingency costs, and that it was an estimate of what they thought would be necessary. Councilmember Starkey questioned whether these services would be offered in the future to every charitable organization holding events.

Councilmember Starkey asked if the petitioner had seen the fees attached to this event. A representative from HispanicFest advised that it was a fundraiser in which they give back to 23,000 people in the County through 18 different programs. She claimed that the event brought business to Davie along with public exposure. Councilmember Starkey expressed her shock over the dollar amount and she was not sure whether she was for or against it, but just shocked by the costs. Councilmember Starkey asked if Broward Community College (BCC) could absorb some of the costs. The representative stated that BCC was providing the location and staffing the event with volunteers. Councilmember Starkey thought the portable toilets and dumpsters should be provided by BCC with the Town providing the services. Mayor Truex stated there was a large Hispanic population in Davie that would support this event. He wished they had known sooner so it could have been budgeted for, but, under the circumstances, he felt Council should provide the services requested and speak with Waste Management to provide the dumpsters in kind.

Councilmember Paul viewed the request as unbudgeted and questioned if the funding would come from reallocated items on the budget. She supported the program but found the timing bad for the budget and suggested minimizing some of the expenses. Councilmember Paul requested that the petitioner follow the process for requesting funds from the Town.

Councilmember Starkey asked if there was anything the organizers could do to minimize the costs to the Town and the representative stated that they could absorb the cost of the fencing, which she said was an expense for them. Clarification was provided regarding the fencing as being "chain link concert fencing", which was temporary in nature.

Vice-Mayor Crowley noted the large sponsors and wished the Town had the time to work with them. He wanted to know whom the other trash company was that they approached and who had declined. The representative stated that the other company was All Service Refuse that refused to provide dumpsters.

Councilmember Caletka voiced concern about the cost and the timing, as well as the need for the Town to look for cuts despite his support of the Hispanic community and not-for profit agencies. The representative mentioned that they had been trying to speak to the Town since November.

Councilmember Paul advised that Police Chief John George had indicated that the costs for police may increase if other things happened. She questioned if the Festival would be able to absorb any excess over the stated amounts. The representative responded that the Festival had allocated a small amount for miscellaneous issues but she would need to know what expenses could be incurred.

Councilmember Caletka lamented again that the money was not appropriated. Chief George stated that there were always potential problems existing outside the festival for which the police might be called and for which was not planned.

Mayor Truex passed the gavel and made a motion to approve all of the items less the fencing of \$5,256.50 and contingent on the understanding that Waste Management would handle the dumpsters and the port-a-lets and contingent on the event host taking responsibility for any unknown or additional items. Councilmember Starkey seconded the motion.

Councilmember Paul asked if Mayor Truex would consider amending the motion to limit "it" to the amount listed under in-kind. Mayor Truex agreed.

In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

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The spokeswoman from the HispanicFest extended an invitation to a reception sponsored by the Broward Center for the Performing Arts at which the Town Council would be recognized.

**12. PUBLIC HEARING**

*Ordinance - Second and Final Reading*

- 2006-9 12.1. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-1-05 CHRISTIAN FELLOWSHIP CHURCH PLAT, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: CF, COMMUNITY FACILITIES DISTRICT; TO: R-5, LOW MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-1-05, Hollingsbrook & Mather, Inc./Zoppelt, 1380 South Flamingo Road) *Planning and Zoning Board recommended approval {Approved on First Reading subject to the rezoning request being changed to an R-4, Low Medium Dwelling District March 1, 2006 - all voted in favor}***

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey indicated that the petitioner was downsizing the project, making it more compatible with the existing land use.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve acknowledging that the designation should be R-4. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Starkey - yes; Councilmember Caletka - yes; Councilmember Paul was out of the room. (Motion carried 4-0)

*Resolution*

- 12.2. **EVALUATION AND APPRAISAL REPORT - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE TOWN OF DAVIE COMPREHENSIVE PLAN; STATING THE INTENT OF THE TOWN COUNCIL TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; AND APPROVING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES.**

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Planner Ingrid Allen indicated that a report was required by State Statute every seven years and was an accumulation of two years of work by residents, elected officials, staff and adjacent municipalities. All comments had been incorporated into the draft which was subsequently transferred to the Department of Community Affairs and sent to the appropriate reviewing agencies and adjacent municipalities. Ms. Allen stated that staff had received comments from four of the reviewing agencies, the Department of Community Affairs, the South Florida Regional Planning Council, Environmental Protection, and Florida Department of State and Division of Historical Resources.

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After some discussion, Councilmember Paul made a motion, seconded by Mayor Truex, to table this item until April 19, 2006. Vice-Mayor Crowley expressed concern over some of the language specifically regarding the septic tanks. In a roll call vote, all voted in favor. (Motion carried 5-0)

*Ordinance - First Reading (Second and Final Reading to be held April 19, 2006)*

- 12.3. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 5-1-05 LONG KEY – FLAMINGO PARK, VACATING AND DEDICATING RIGHT-OF-WAYS AS SHOWN ON THE PLAT OF “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1”, AS RECORDED IN PLAT BOOK 2, PAGES 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 5-1-05, Long Key-Flamingo Park, southwest corner of Flamingo Road and SW 36 Street) (tabled from January 4, 2006) *Planning and Zoning Board recommended approval contingent upon meetings with the resident and the retention for Bellsouth, if necessary* (tabled from March 1, 2006)

Mr. Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Linda Greck, 3121 SW 116 Avenue, asked that the Town look at what they would get in return for the vacation. She wanted to express her interest in this right-of-way for a trail.

As there were no further comments, Mayor Truex closed the public hearing.

Councilmember Starkey asked if the land had been resurveyed. Town Engineer Larry Peters indicated that it was resurveyed as the previous survey had been incorrect. He said it presently stood corrected with a legal description and sketch. The report the Town Council had was not correct and indicated the correct language.

Wilma Coslin, Broward County Parks and Recreation, discussed the archeological boundaries of the area and noted that an equestrian trail completely looped around the site. She indicated that the right-of-way was not a feasible place to put a trail because of the archeological site.

Mr. Peters noted that 6 acres of 130 Avenue and 36 Court would be traded for the Town to vacate 1.7 acres. Ed Kowolski, representing Broward County, stated that during the research, the road was actually owned by Broward County as it had not been dedicated to the Town.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve the vacation based on Broward County improving and broadening the trail along 39th Court which would provide a bigger and better trail. In a roll call vote, all voted in favor. (Motion carried 5-0)

### **13. APPOINTMENTS**

- 13.1. Airport Advisory Board (one exclusive appointment - Councilmember Caletka; term expires December 2006)

No appointment was made.

- 13.2. Budget Advisory Committee Board (one exclusive appointment - Vice-Mayor Crowley; term expires April 2006) (members shall have experience in a financial related occupation, or similar skills)

No appointment was made.

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- 13.3. Child Safety Board (one exclusive appointment - Mayor Truex; term expires April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 13.4. Education, Research and Training Authority (non-exclusive appointment; term expires May 2007)

No appointment was made.

- 13.5. Parks and Recreation Advisory Board (one exclusive appointment - Mayor Truex and Councilmembers Crowley and Paul; terms expire April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Paul appointed Stephen Waters.

- 13.6. School Advisory Board (one exclusive appointment - Councilmembers Caletka, Paul and Starkey; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

- 13.7. Senior Citizen Advisory Committee (one exclusive appointment - Mayor Truex and Councilmember Paul; terms expire April 2006) (members shall be a minimum 60 years of age)

Councilmember Paul appointed Serita Jennings.

- 13.8. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex, Councilmember Caletka, Crowley and Starkey; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointments were made.

**14. OLD BUSINESS**

- 14.1. Community Chest (deferred from March 1, 2006)

This item was tabled earlier in the meeting.

- 14.2. HispanicFest

This item was discussed earlier in the meeting.

- 14.3. Merging the Agriculture Advisory Board with the Open Space Advisory Board

Councilmember Starkey spoke of the merits of combining the Agricultural Advisory Board with the Open Space Advisory Committee as she felt it was difficult to get people to serve on the Agricultural Advisory Board and create a quorum. She stated that the Open Space Advisory Committee would be looking at purchases that could enhance the rural and agricultural lifestyle.

Councilmember Paul stated that the Agricultural Advisory Board and the Open Space Advisory Committee had both been very active while doing entirely different things. She said that she knew of at least five good candidates for the Agricultural Advisory Board. Councilmember Paul stated that as the

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Town moved closer to the Farm Park, the Board would be a great asset. She viewed the Board and the Committee as two separate entities.

Mayor Truex asked if the advisory boards had been consulted. Mr. Cohen advised that the School Advisory Board and the Child Safety Board had discussed the issue and agreed with the merge; however, he was not aware if the Agricultural Advisory Board and the Open Space Advisory Committee had discussed the issue.

Councilmember Starkey advised that the Open Space Advisory Committee could work on the Farm Park. She was not sure if the Boards should merge or the Agricultural Advisory Board be sunsetted. Councilmember Starkey did not like having a lot of boards and the cost of providing clerical staff.

Mayor Truex suggested that this issue be discussed by the advisory boards. There was no objection from Council.

#### **14.4. Merging the School Advisory Board with the Child Safety Board**

Councilmember Starkey advised that the two boards wanted to merge.

Councilmember Starkey made a motion made by Mayor Truex, to place this item on the next agenda. In a roll call vote, all voted in favor. (Motion carried 5-0)

## **15. NEW BUSINESS**

### **15.1. Condominium Conversions Proposed Moratorium - Shirley Taylor-Prakelt, Housing and Community Development Director**

Ms. Taylor-Prakelt summarized her report to Council regarding the dwindling supply of affordable rentals to meet the needs of the Town's workforce. She indicated that there were 889 units converted to condominium ownership which equated to approximately 900 people being displaced. Ms. Taylor-Prakelt advised that the current tenants were not in a position to purchase for various reasons and added that the average cost of a house in Davie (in 2004 was \$500,000. She stated that the concern was displacing residents that could become homeless. Ms. Taylor-Prakelt indicated that her recommendation was for a moratorium on condominium conversion. Mayor Truex felt that this was a problem that affected many residents and asked Mr. Kiar to look into whether a moratorium could be approved to prevent the conversions until such time that the proper ordinances could be drafted.

Councilmember Starkey discussed other options that could be provided and spoke of GAP Assistance to help Town employees purchase property. She discussed considering employee incentives and how that might compare to taking on legal challenges. Councilmember Starkey suggested a workshop be held to prepare a comprehensive plan.

Councilmember Caletka expressed his concern to move forward on a moratorium as soon as possible.

### **15.2. Police Patrols - Councilmember Caletka**

Councilmember Caletka indicated that the citizens in his district were not getting their fair share of police protection. He wanted to see the same officers kept in neighborhoods and patrolling the areas.

Chief George addressed Councilmember Caletka's concerns indicating that the department could move to that plan and offered to discuss the issue further.

### **15.3. Bulk Waste Service - Councilmember Caletka**

This item was not discussed.

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#### **15.4. Status of Town Attorney - Mayor Truex**

Mayor Truex spoke of his feelings regarding an in-house firm as opposed to outside counsel. He did not have a problem with Mr. Kiar, but he did have an issue with a former employee. Mayor Truex asked to have a survey conducted of other municipalities in the County to see whether they had in-house or outside counsel. He did not believe there was a cost savings either way.

Councilmember Caletka discussed his thoughts regarding the issue and his main point was that it would eliminate any conflicts of interest. He found no fault with Mr. Kiar, but would have preferred to have him as in-house counsel, solely to the Town. Councilmember Caletka discussed Town perception and the potential for conflict issues that could arise at a later time.

Mr. Kiar explained the measures he had taken and believed he could continue to represent the Town without a conflict of interest. He stated that Council had requested an amendment to the contract that would provide comfort to Council, which he had provided to staff.

Councilmember Starkey discussed office staff, benefits, space issues and other financial concerns with in-house counsel. Her biggest concern was the disproportionate perception that everything was being viewed as an ethical issue.

Councilmember Paul stated that this issue was discussed a few years ago during a budget workshop. She discussed Mr. Kiar's charges such as travel, seminars, etc. Councilmember Paul was not sure if there would be a cost savings, however, she wanted to see a number of issues addressed in the contract other than not representing certain individuals.

Mr. Kiar advised that his contract, including his salary, was to be reviewed in August. Councilmember Paul stated that the last raise amount to a 7% increase and the Town's staff only received a 3 1/2%. She advised that Council had granted Mr. Kiar exclusivity to hire outside counsel by resolution, however, she thought the Charter would have to be amended to provide the exclusivity. Councilmember Paul indicated that any changes to the contract should include this issue.

Vice-Mayor Crowley stated that there would be a need to review this issue for an in-house attorney in the future as the Town's population grew. He advised that he had received a response from the Commission on Ethics indicating that there would not be a conflict of interest if he voted on issues relating to Mr. Kiar.

Mayor Truex requested comments from the public.

Robert Kellner spoke about Mr. Parke's bad judgment. He discussed "cronyism" and was not sure that Mr. Kiar was the best choice, considering he was a past Mayor. Mr. Kellner wanted to know why Mr. Parks disappeared and why Mr. Kiar had no explanation. He did not feel that Council was asking the right questions.

There were no further public comments.

Mr. Kiar defended the integrity of his firm.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to give proper notice to the town attorney to start the process of hiring an in-house attorney. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - no; Councilmember Starkey - no; Councilmember Paul - yes; Councilmember Caletka - yes. (Motion failed 3-2)

Councilmember Paul stated that she would like to meet with Mr. Kiar to discuss the manner in which contracts are reviewed. She questioned Mr. Kiar if he ever questioned the contents of a contract. Mr. Kiar responded in the affirmative and indicated that he informed the staff member who submitted the request for an opinion. He added that he did not review contracts for only legal sufficiency.

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**16. MAYOR/COUNCILMEMBER'S COMMENTS**

**BATTEN'S FARM.** Councilmember Paul referred to a letter from Gill Realty regarding Batten's Farm and the Polish Catholic Church property. She wanted this issue placed on a future agenda for discussion.

Mayor Truex asked if the Open Space Bond Advisory Board had finished with their recommendations. Councilmember Paul stated that the criteria had been completed and would be provided to Mr. Kiar. Mr. Cohen advised the public hearing had recently been held and he was currently reviewing the criteria before it was sent to Mr. Kiar. Mayor Truex asked that this matter also be placed on an agenda.

**ABANDONED MOBILE HOMES.** Councilmember Paul stated that she had received a number of calls concerning abandoned mobile homes previously destroyed in the hurricane. She indicated the mobile homes were viewed as a safety hazard and wanted to know who was responsible for moving them and when they would be moved. Mr. Cohen advised that the mobile home parks were privately owned and the responsibility of the owner or park owner. Mayor Truex suggested that this issue be heard by the Unsafe Structures Board. Mr. Cohen advised that mobile homes do not fall under the Building Code and would not come before the Board.

**WIRELESS.** Councilmember Paul advised that some cities were going wireless. Mayor Truex requested the conversation be postponed for a later date.

**FP&L POLES.** Councilmember Paul questioned the FPL pole issue and paying for lights where poles do not exist.

**TRUST FOR PUBLIC LANDS.** Councilmember Paul stated that the Trust for Public Lands was closing on the Ryan property on March 31st.

**NOISE.** Councilmember Paul advised that she, Mr. Cohen and Public Information Officer Braulio Rosa and the Seminole Indian Tribe had agreed to set-up two sound monitors for one week to investigate the complaints regarding noise. She said that one would be placed on tribal lands and one could be placed on Karen Stenzel-Nowicki's land if she agreed. Councilmember Paul advised that the Tribe would bear the cost of the monitors and the Town would choose the vendor.

**VICE-MAYOR CROWLEY**

**GOAL SETTING SESSION.** Vice-Mayor Crowley questioned if there were plans for a goal setting session. Mr. Cohen advised that staff was looking to schedule a session in early May. Vice-Mayor Crowley wanted to review the previously established goals.

**WASTE MANAGEMENT.** Vice-Mayor Crowley requested that Councilmember Caletka bring back information on the Waste Management service at the next meeting.

**MOBILE HOME PARKS.** Vice-Mayor Crowley expressed concerns about mobile home parks in his district not being tied down and wanted the situation reviewed.

**COUNCILMEMBER CALETKA**

**ISSUES.** Councilmember Caletka discussed the four issues in his campaign: 1) obtaining an in-house attorney; 2) providing additional policing on the east side; 3) providing more bulk pick-ups; and 4) saving tax dollars.

**MAYOR TRUEX**

**PARK CITY PAVING.** Mayor Truex wanted to know if Vice-Mayor Crowley would be providing information on Park City paving. Vice-Mayor Crowley indicated that there were some issues pending that needed to be addressed.

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**STREETLIGHTS.** Mayor Truex asked if the Town had an inventory on streetlights and if staff knew what the Town was paying for. Mr. Cohen advised that a list was being obtained from Florida Power and Light and an inventory would be taken.

**NOISE.** Mayor Truex expressed his disappointment with the noise from the casino and perceived it as there not being a resolution. He wanted this issue to be placed on the agenda for the April 5th meeting to determine if the Town had any legal basis to move forward.

**17. TOWN ADMINISTRATOR'S COMMENTS**

Mr. Cohen had no comments.

**18. TOWN ATTORNEY'S COMMENTS**

**CONGRATULATIONS.** Mr. Kiar congratulated Mayor Truex and Councilmember Caletka on the election.

**19. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 12:55 a.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk